



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

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Public Hearing Summary Document

September 11, 2006 at 6 PM

URI Narragansett Bay Campus

Corless Auditorium

- 1) Proposed changes to the RI floating fish trap regulations;
- 2) Proposed adoption of Safe Harbor regulations;
- 3) Proposed adoption of RI monkfish regulations to address loophole between state regulations and federal fishery management plan;
- 4) Proposed adoption of RI cod regulations to address loophole between state regulations and federal fishery management plan;
- 5) Proposed adoption of RI sea scallop regulations to address loophole between state regulations and federal fishery management plan

The public has been afforded the opportunity to comment on the proposals contained in this document at the public hearing scheduled for Monday, September 11, 2006 (6 PM) at the URI Narragansett Bay Campus, Corless Auditorium or by submitting written comments to the Division of Fish and Wildlife, 3 Fort Wetherill Road, Jamestown, RI 02809 no later than 12:00 p.m. on September 11, 2006. Underlined and bold font indicates new language and crossed out font denotes existing language proposed for elimination.

1) Proposed changes to the RI floating fish trap regulations

14.5 Navigational Aids to Fish Traps and Appurtenances: ~~Upon receipt of the January 10th report concerning the locations where and the time periods when fish traps shall be set, the DEM shall forward all information regarding the reported traps to the United States Coast Guard (USCG) for a determination on the types of navigational aids required. Licensees must comply with USCG requirements, failure to comply shall make license null and void. If no changes in trap locations are made in years subsequent to USCG review for any licensee, information contained in the January 10th report will not be forwarded to the USCG and the licensee must adhere to the most recent USCG determination.~~ All floating fish traps deployed within Rhode Island State waters shall be marked with no less than four (4) radar reflective buoys (hi-flyers) each positioned no more than one hundred feet (100') from the trap or its appurtenances in the following locations: one buoy shall be located at the shoreward end of the leader, one buoy on the seaward end of the leader adjacent to the head of the trap, and two buoys shall be located on the seaward side of the head of the trap.

Floating fish traps located at sites 13F, 26C, 25B, 398, 120-19, 122-19, 383-19, 75A, 68B, 69B, 400-23, and 475-30 shall be marked as specified by the United States Coast Guard in its communication to the Department dated September 13, 2005. Specifically, site 13F shall be marked with a 5th class buoy with a 4 second flashing light. Site 26C shall be marked with a 5th class buoy with a 6 second flashing light. Site 25B shall be marked with a 5th class buoy with a 4 second flashing light at the southern end of the trap and an unlit 5th class buoy at the northern end. Sites 398 and 383-19 shall be marked with an unlit 5th class buoy. Sites 75A, 69B, 475-30 and 68B shall be marked with an unlit 6th class buoy. Sites 122-19 and 400-23 shall be marked with a 5th class buoy with a 2.5 second flashing light. Each of the above-described buoys shall be positioned within 100' of the head of the floating fish trap and its appurtenances.

14.7 Restricted Locations: No fish traps shall be erected within the waters of the State with the exception of the following sites (map shows approximate locations and orientation of traps):

(1) The following sites are located south of Newport and Middletown within the area designated for floating fish traps by the engineer's office of the Department of the Army.

(a) Sites ~~13A~~, 13B, 13C, 13D, 13E, and 13F, ~~13G, and 13H~~ located in a line extending southeasterly at approximately 135° beginning at Seal Rock (41° 26'39"N, 71° 20'49"W) so-called, and ending at approximately 41° 25'1"N, 71° 18'0"W.

(l) Site 23, designated for a pound net, is located approximately 4,600' south of Easton's Point (~~41°N 71°W~~) so-called, at approximately 41°27'56"N, 71°16'31"W and is of the dimensions 600' by 600'.

(m) Sites 383-19A and 383-19B located in line beginning northeast of Sachuest Point at approximately 41°28'30"N, 71°14'22"W, extending at approximately 135° for 3,360 feet and ending at approximately 41°28'8"N, 71°13'49"W.

(o) Site 364, beginning at approximately 41° 27' 27" N and 71° 21' 35" W south of Castle Hill Lighthouse near Perry's Cove, extends approximately 400' west at approximately 270°, ending at approximately 41° 27' 23" N and 71° 21' 41".

(p) Sites 191 and 192 extend in line off the southeast side of Easton's Point (41°28'45"N, 71°16'30"W) in a southwesterly direction at approximately 145° beginning at approximately 41° 28' 49" N and 71° 21' 41" W and ending at approximately 41° 28'39" N and 71° 16' 14" W.

(2) The following sites are located near Sakonnet Point within the area designated by the Department of the Army:

- (m) Site 114A begins approximately 3,200 feet south be west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'48"N, 71°7'33"W and extends at approximately 170° for 1,680 feet.
- (n) Site 29 begins approximately 8,400 feet south by west of West Island (41°27'0"N, 71°11'54"W) so-called, at approximately 41°29'8"N, 71°8'17"W and extends at approximately 180° for 1,680 feet.
- (o) Sites 614A and 614B, located in line, extend south beginning 2,000 feet east of Dolphin Rock (41°27'13"N, 71°11'7"W), so-called, at a bearing of approximately 180° for 3,360 feet.
- (p) Site FC-1, located north of Coddington Cove, begins at approximately 41° 32' 33"N, 71° 18'52"W and extends at approximately 60° towards shore ending at approximately 41°32'40"N, 71°18'42"W.
- (q) Site FC-2, located off Coddington Point, begins at approximately 41°32'27"N, 71°19'40"W and extends at approximately 180° towards shore ending at approximately 41°32'21"W, 71°19'39"N.
- (r) Site FC-3 begins approximately 1,500 feet west of the state line at approximately 41°26'31"N, 71°12'9"W and extends south from South Shore Beach, Little Compton at approximately 180° for 1,680 feet.
- (s) Site FC-4 begins approximately 3,000 feet south of the southwest corner of Tunipus Pond, Little Compton at approximately 41°25'39"N, 71°12'16"W and extends 1,680 feet at approximately 110°.
- (t) Site 583-19 located southwest of site 120-19 extends 1,680 feet east at approximately 90°.
- (u) Site 585-19 located northwest of Sakonnet Point begins at approximately 41°28'33"N, 71°12'41"W and extends 1,680 feet east at approximately 90°.
- (v) Site 586-19

(5) The following sites are located within the area of the Harbor of Refuge Point Judith:

- (a) Site 22-29, located outside of the Harbor of Refuge, begins approximately 1,200 feet northwest from the outer end of the west breakwater at approximately 41°22'5"N, 71°31'5"W and extends at approximately 250° for 550 feet.
- (b) Site 400-23, located outside the Harbor of Refuge, begins approximately 500 feet northwest from the outer end of the west breakwater at approximately 41°21'38"N, 71°29'34"W and extends at approximately 250°.
- (c) Site 475-29, located within the Harbor of Refuge, begins approximately at approximately 41°21'47"N, 71°29'34"W in front of Breakwater Village, so-called, and extends southwest at approximately 225° for approximately 900 feet.
- (d) Site 475-30, located within the Harbor of Refuge, begins approximately 500 feet north from the outer end of the east breakwater at approximately 41°22'5"N, 71°31'6"W and extends northwest at approximately 310° for approximately 650 feet.

2) Proposed adoption of Safe Harbor regulations

RIDEM Safe Harbor Provision

This "Safe Harbor Provision" is based on a concept that has long been a part of the maritime tradition of the United States and most maritime countries around the world. The State of Rhode Island will not reject any deserving, damaged imperiled or needful fishing vessel. The perils of the sea apply to everyone without regard to treaties, rules, regulations or law.

All sea going U.S. registered or documented fishing vessels will be allowed to enter a Rhode Island port under the following declared circumstances:

Mechanical Breakdown: A fishing vessel having a mechanical problem that makes the continuation of the voyage unsafe and poses risk to life and property

Unsafe weather conditions: A fishing vessel facing an extended period of high winds (35 +knots), waves (10+ feet), ice, or other adverse condition that makes the continuation of the voyage unsafe and poses risk to life and property

Loss of essential equipment: A fishing vessel losing essential gear such as support systems that would render the vessel unable to remain at sea or fish safely and that would place the crew in imminent danger

Crew Illness or Injury: A fishing vessel that due to an onboard illness or injury reducing functional crew capacity to a level that would render the vessel unable to remain at sea or fish safely placing the crew in imminent danger

Any U S registered or documented fishing vessel seeking permission to enter a Rhode Island port under this Safe Harbor Provision shall call the Department of Environmental Management Division of Law Enforcement at 401-222-2284 and declare the intention of the fishing vessel's captain to enter a Rhode Island port. The declaration shall include an explanation of the nature of the problem, the port they intend to enter, and the approximate time of arrival. No offloading of cargo shall be allowed for vessels seeking safe haven under the provisions of this policy until approved by DEM staff.

Any fishing vessels not having a license to sell fish in Rhode Island may be allowed to enter a Rhode Island port under the Safe Harbor Provision. However, it will not be allowed to offload fish unless the vessel is determined to be required to remain in port for extended repairs related to their original request for safe harbor status or if weather conditions persist for a period, which would result in the fish on board becoming unmarketable. A fishing vessel's captain may request permission from the Director of DEM or their designee to offload fish under these circumstances. A request will be considered only when accompanied by an affidavit from a qualified mechanic that verifies the mechanical breakdown, system failure, or adverse weather claims that may be verified by the National Weather Service forecast or record. However, any vessel seeking protection under this provision with quota species on board will be required to transport, at the vessel's expense, the entire catch of the quota species to the vessel's intended landing port.

Any vessel seeking refuge under provisions of this Safe Harbor Provision is subject to an inspection by RIDEM Environmental Police Officers to insure compliance with all laws and regulations. Fish possession limits will be evaluated as subject to the possession limits of the port that the vessel is

licensed to land or offload fish in. Weather condition or mechanical situations are not accepted as a reason to be in violation of any State or Federal Marine Fisheries Laws or Regulations.

3) Proposed adoption of RI monkfish regulations to address loophole between state regulations and federal fishery management plan

7.6 Minimum sizes, other species -- Except as specifically noted, no person shall possess or take any of the following species which are less than the following minimum size

AMERICAN PLAICE (DAB): Commercial and Recreational 14"

ATLANTIC STURGEON: Commercial and Recreational - no possession

COD: Commercial - 19"; Recreational - 20"

EEL: Commercial and Recreational - 6"

HADDOCK: Commercial and Recreational - 19"

~~**MONKFISH: Commercial and Recreational - 17". When possessed as tails either processed or mutilated the minimum length shall be 11"**~~

POLLOCK: Commercial and Recreational - 19"

SCUP: Commercial - 9" and Recreational -10". Floating trap fishermen may possess undersize scup provided they are not sold, bartered, traded, and exchanged, but following culling, are taken to sea and released back into the water.

WEAKFISH (SQUETEAGUE): Commercial and Recreational 16"

WITCH FLOUNDER (GRAY SOLE): Commercial and Recreational 14"

YELLOWTAIL FLOUNDER: Commercial and Recreational 13"

All minimum sizes for the above listed fish shall be measured as total length (from tip of snout to tip of tail).

(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

7.21 Monkfish

7.21.1 – Commercial

~~**7.21.1-1 Minimum size -- No person fishing commercially shall take or possess any monkfish measuring less than seventeen inches (17") total length or eleven inches (11") tail length whether that fish was caught within the jurisdiction of this State or otherwise.**~~

Option 1:

~~**7.21.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be 300 pounds tail weight or 996 pounds whole weight of monkfish.**~~

Option 2:

7.21.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be 50 pounds tail weight or 166 pounds whole weight of monkfish.

Option 3:

7.21.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, with trawl fishing gear on board, the possession limit will be 300 pounds tail weight or 996 pounds whole weight of monkfish. For any non-federally permitted RI licensed vessel, with other fishing gear types on board other than trawl fishing gear, the possession limit will be 50 pounds tail weight or 166 pounds whole weight of monkfish.

7.21.1-3 Vessels in possession of a federal permit allowing the commercial harvest of monkfish may possess monkfish in the amount authorized to be possessed pursuant to applicable federal regulations.

7.21.2 - Recreational

7.21.2-1 Minimum Size -- No person who is not in possession of either a current federal or RI state commercial fishing license, fishing recreationally, shall take or possess any monkfish measuring less than seventeen inches (17") total length or eleven inches (11") tail length whether that fish was caught within the jurisdiction of this State or otherwise.

7.21.2-2 Possession Limits – No person who is not in possession of either a current federal or RI state commercial fishing license and who is fishing recreationally in RI waters, may possess more than 50 pounds tail weight or 166 pounds whole weight of monkfish.

RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

4) Proposed adoption of RI cod regulations to address loophole between state regulations and federal fishery management plan

7.6 Minimum sizes, other species -- Except as specifically noted, no person shall possess or take any of the following species which are less than the following minimum size

AMERICAN PLAICE (DAB): Commercial and Recreational 14"

ATLANTIC STURGEON: Commercial and Recreational - no possession

~~COD: Commercial - 19"; Recreational - 20"~~

EEL: Commercial and Recreational - 6"

HADDOCK: Commercial and Recreational - 19"

MONKFISH: Commercial and Recreational - 17". When possessed as tails either processed or mutilated the minimum length shall be 11"

POLLOCK: Commercial and Recreational - 19"

SCUP: Commercial - 9" and Recreational -10". Floating trap fishermen may possess undersize scup provided they are not sold, bartered, traded, and exchanged, but following culling, are taken to sea and released back into the water.

WEAKFISH (SQUETEAGUE): Commercial and Recreational 16"

WITCH FLOUNDER (GRAY SOLE): Commercial and Recreational 14"

YELLOWTAIL FLOUNDER: Commercial and Recreational 13"

All minimum sizes for the above listed fish shall be measured as total length (from tip of snout to tip of tail).

(RIMFC REGULATION) [Penalty - Part 3.3; (RIGL 20-3-3)]

7.22 Cod

7.22.1 – Commercial

7.22.1-1 Minimum size -- No person fishing commercially shall take or possess any cod measuring less than twenty-two inches (22") total length whether caught within the jurisdiction of this State or otherwise.

7.22.2 - Recreational

7.22.2-1 Minimum Size -- No person fishing recreationally shall take or possess any cod measuring less than twenty-two inches (22") total length whether caught within the jurisdiction of this State or otherwise.

RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

5) Proposed adoption of RI sea scallop regulations to address loophole between state regulations and federal fishery management plan

7.23 Sea Scallops

7.23.1 – Commercial

7.23.1-1 Minimum size -- No person fishing commercially shall shall take or possess any sea scallops measuring less than three and one half inches (3.5") shell length whether caught within the jurisdiction of this State or otherwise. Shell length is a straight line measurement from the hinge to the part of the shell that is furthest away from the hinge.

7.23.1-2 Possession Limits – For any non-federally permitted RI licensed vessel, the possession limit will be four hundred (400) pounds of shucked or fifty (50) bushels of in-shell scallops.

7.23.2 - Recreational

7.23.2-1 Minimum Size -- No person person who is not in possession of either a current federal or RI state commercial fishing license, fishing recreationally, shall take or possess any sea scallops measuring less than three and one half inches (3.5") shell length whether caught within the jurisdiction of this State or otherwise. Shell length is a straight line measurement from the hinge to the part of the shell that is furthest away from the hinge.

7.23.2-2 Possession Limits – No person who is not in possession of either a current federal or RI state commercial fishing license, and who is fishing recreationally in RI waters, will possess more than four hundred (400) pounds of shucked or fifty (50) bushels of in-shell scallops.

RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]